

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION

No. 4:08-CR-00055-F-1

UNITED STATES OF AMERICA

v.

JASON LAMON KELLY,  
Defendant.

)  
)  
)  
)  
)  
)

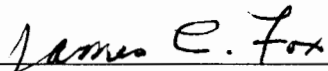
ORDER

This matter is before the court on Jason Lamon Kelly's September 12, 2014 sealed motion [DE-152]. In his motion, Kelly requests that this court compel the Government to file a Rule 35(b) motion to reduce his sentence by 50%.

It is well-established that the decision to file a Rule 35(b) motion is a matter which is generally left to the Government's discretion. *See* Fed.R.Crim.P. 35(b); *United States v. Dixon*, 998 F.2d 228, 230 (4th Cir. 1993). For this reason, Rule 35(b) cannot serve as the basis for Kelly to attempt to force the Government to seek a reduction in his sentence. Accordingly, Kelly's September 12, 2014 sealed motion [DE-152] is DENIED.

SO ORDERED.

This, the 3<sup>rd</sup> day of October, 2014.

  
\_\_\_\_\_  
JAMES C. FOX  
Senior United States District Judge